

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Paul Andrus and Ronald Berresford,
individually and as representatives of a
class of similarly situated persons, and on
behalf of the New York Life Agents
Progress-Sharing Investment Plan and the
New York Life Insurance Company
Employee Progress-Sharing Investment
Plan,

Plaintiffs,

v.

New York Life Insurance Company, New
York Life Investment Management LLC,
New York Life Investment Management
Holdings LLC, Cornerstone Capital
Management Holdings LLC, Cornerstone
Capital Management LLC, Board of
Trustees of the New York Life Agents
Progress-Sharing Investment Plan, Board
of Trustees of the New York Life Insurance
Company Employee Progress-Sharing
Plan, Maria J. Mauceri, Barry A Schub,
John Y. Kim, Arthur H. Seter, Drew E.
Lawton, Michael M. Oleske, Robert J.
Hynes, and Johns Does 1–30,

Defendants.

Case No. 1:16-cv-05698-KPF

**PLAINTIFFS’ NOTICE OF MOTION
FOR ATTORNEYS’ FEES,
EXPENSES, AND CLASS
REPRESENTATIVE SERVICE
AWARDS**

Please take notice that, upon the accompanying Memorandum of Law, the Declaration of Kai Richter and the exhibits thereto, and all the files, records, and proceedings in this matter, and pursuant to Federal Rules of Civil Procedure 23(h) and 54(d), this Court’s Order dated February 16, 2017 [ECF No. 69], and Paragraphs 7.1 and 7.2 of the Class Action Settlement Agreement (“Settlement”) between Plaintiffs Paul Andrus and Ronald Berresford (“Plaintiffs”) and Defendants, Plaintiffs will move this

Court before the Honorable Katherine Polk Failla, at the United States Courthouse located at 40 Foley Square, on June 15, 2017 at 3:00 p.m. for an order awarding:

(1) attorneys' fees to Class Counsel in the amount of \$1,000,000 (one-third of the \$3,000,000 Settlement Fund);

(2) litigation expenses to Class Counsel in the amount of \$13,534.73;

(3) settlement administration expenses to Analytics, LLC in the amount of \$47,754.00 (to be paid separately by Defendants and not out of the Settlement Fund); and

(4) class representative service awards to the named Plaintiffs in the amount of \$10,000 each.

Defendants do not oppose this motion, and as of the date of this filing, no Settlement Class Member has objected to the proposed awards in response to the Settlement Notices that were sent to Settlement Class Members.

Respectfully submitted,

Dated: April 14, 2017

NICHOLS KASTER, PLLP

/s/ Kai Richter

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